

Chapter 14.66 Subdivisions, Short Subdivisions, and Boundary Line Adjustments

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14.66.010 Purpose.

The purposes of this chapter are to provide criteria, regulations and standards to govern the subdivision of land and boundary line adjustments within the City and to:

- A. Establish and identify the processes to accomplish the orderly creation of lots for conveyance or lease and the review of such lots for the potential development of land within the City;
- B. Establish and identify the procedures for addressing boundary line adjustments and exempt divisions of land within the City;
- C. Regulate the subdivision of land consistent with RCW 58.17.010, and to: promote the public health, safety and general welfare in accordance with standards established by the State to prevent the overcrowding of land; lessen congestion in the streets and highways; promote effective use of land; promote safe and convenient travel by the public on streets and highways; provide for adequate light and air; facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements; provide for proper ingress and egress; provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; adequately provide for the housing and commercial needs of the citizens of the State; require uniform monumenting of land subdivisions and conveyance by accurate legal description.
- D. Protect environmentally sensitive areas.

14.66.020 Scope.

- A. Compliance. All divisions or redivisions of land into lots, tracts, parcels, sites or division for the purpose of sale, lease or transfer of ownership shall comply with the provisions of State law and the Duvall Municipal Code. All property under common ownership must be subdivided in accordance with the requirements of this title prior to sale, lease or transfer of ownership; provided, however, that divisions of property pursuant to DMC 14.66.020.C, Exceptions, and "lots of record", as defined under DMC 14.76, may be sold, leased or transferred without further compliance with this title.
- B. Contiguous Land. All contiguous land shall be included in a short subdivision application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this section. The applicant shall certify that she/he has included all contiguous land in a short subdivision application and that she/he does not own or otherwise have a legal interest in ownership of contiguous parcels.

- C. The provisions of this section shall not apply to:
1. Cemeteries. Cemeteries and other burial plots, while used for that purpose;
 2. Testamentary Divisions. Divisions made by testamentary provisions, or the laws of descent; provided, that there can be only one lot per heir or devisee. A map of the division must be recorded with the King County, Records, Elections, and Licensing Division, when each parcel is transferred. All beneficiaries to the property must sign the map. Lots created through such divisions are deemed legal notwithstanding minimum lot size or density requirements imposed through the Duvall Municipal Code. However, such lots and all land uses carried out on such lots are subject to all other standards and requirements of law;
 3. Industrial and Commercial Site Plans. Division for sale or lease of commercial or industrially zoned property provided a binding site plan has been approved and recorded; such divisions shall comply with DMC 14.66.120 Binding Site Plans;
 4. Mobile Home Parks. Divisions for purposes of lease when no residential structure other than mobile homes or travel trailers are permitted, provided a binding site plan has been approved and recorded; such divisions shall comply with DMC 14.66.120, Binding Site Plans;
 5. Boundary Line Adjustments. A division made for the purpose of adjusting boundary lines between legal lots of record. Refer to DMC 14.66.120 for boundary line adjustment criteria;
 6. Contiguous Lots. The transfer of ownership of contiguous platted lots if:
 - a. The lots were created after June 9, 1937, or
 - b. The lots transferred were created and separately developed prior to June 9, 1937;
 7. Condominiums. A division made under the provisions of the Horizontal Properties Regimes Act, Condominiums (Chapter 64.32 RCW) provided a binding site plan has been approved;
 8. Right-of-Way Acquisition and Condemnation.
 - a. A division of land relating to the acquisition or exchange of land by public agencies, for public use except human occupancy, including but not limited to subdivisions made for road construction purposes;
 - b. A division of land for the sole use of the installation of linear utility facilities, such as electric power lines, telephone lines, water supply lines, sewer service lines, cable lines, or other utility facilities of a similar or related nature;
 - c. Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation; if sale is made under threat of condemnation, such threat must be evidenced by the government agency filing an affidavit so stating with King County, Department of Records, Elections, and Licensing.
 9. Land conveyed or leased through an exception has not necessarily been reviewed by the City of Duvall for development potential.
- D. Legal lot of record. A lot is considered a lot of record if it complies with DMC 14.76, Nonconformance and Reuse Standards. Even though a lot may be deemed legal, development on said lot shall be subject to all applicable regulations of the Duvall Municipal Code.

14.66.030 Procedures.

- A. Boundary line adjustments shall follow the procedures established in DMC 14.08 for a Type I permit process.

- B. Short subdivisions, preliminary subdivisions, subdivision alterations, and subdivision vacations shall follow the procedures established in DMC 14.08 for a Type III permit process.
- C. Final subdivisions shall follow the procedures established in DMC 14.08 for a Type V permit process.

14.66.040 Preliminary subdivision and short subdivision review and approval criteria.

- A. Each proposed subdivision or short subdivision shall be reviewed to ensure that:
 - 1. The proposal conforms to the goals, policies and plans set forth in the Duvall Comprehensive Plan;
 - 2. The proposal conforms to the site and design requirements set forth in this Title. No final subdivision or short subdivision shall be approved unless the requirements are met.
 - 3. The proposed street system and pedestrian system conform to the Duvall Comprehensive Plan, DMC 14.34, Design Guidelines , and the Public Works Development Design Standards, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of vehicular and pedestrian traffic ;
 - 4. The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - 5. The layout of lots, and their size and dimensions, takes into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots;
 - 6. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
- B. Lack of compliance with the criteria set forth in DMC 14.66.040.A and DMC 14.66.050, Subdivision Standards, shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

14.66.050 Subdivision Standards.

- A. Subdivision names. No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in King County, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.
- B. Block Standards. Blocks shall have sufficient width to provide for a maximum of 2 tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to major streets, railroads, waterways, or involving unique site conditions that make this requirement impractical.
- C. Lot standards.
 - 1. Lot lines shall be at right angles to street lines or radial to curvilinear streets unless a variation will result in a better street or lot plan.
 - 2. No lot shall be established which is in violation of the Duvall Municipal Code.
 - 3. Lot shapes shall be designed to avoid awkward configuration or appendages.
 - 4. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in each zoning district.
 - 5. The building envelope shall be shown on all lots.

- D. Exceptions to lot standards.
1. Eminent Domain. Parcels smaller than otherwise permitted by Duvall Municipal Code may be created through the action of governmental agencies including the City of Duvall by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the Duvall Municipal Code.
 2. Legal lot of record see DMC 14.76.080.
- E. Easements.
1. Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The width of the public easements shall be the minimum necessary as determined by the utility, unless the Public Works Director determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easements shall be combined with driveways, pedestrian accessways and other utility easements.
 2. Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the Public Works Director determines a larger width is appropriate based on the site conditions.
 3. Native growth protection easements, tracts, or areas (NGPE/NGPT/NGPA) shall be granted as deemed appropriate by the City where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual buffering, and protection of plant and animal habitat, and in accordance with DMC 14.42, Sensitive Area Regulations. The NGPE shall impose upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public by the City of Duvall, to leave undisturbed all trees and other vegetation within the easement, except that area required for future construction of multi-purpose low impact trails and City-approved utilities. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the City of Duvall.
 4. The placement of any building on or over an easement for utility mains or lines shall be prohibited. An easement may be used for more than one utility, vehicle, or pedestrian access, provided the City finds the multi-use appropriate. Restoration of the site shall be required following any excavation or other disturbance permitted by the terms of the easement. Appropriate landscaping as determined by the City is permitted, and may be required, in an easement.
 5. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final subdivision or short subdivision or by separate instrument.
- F. Water Supply. All lots shall be served by a water system approved by the City of Duvall. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the appropriate water purveyor. Such water supply systems shall be designed and constructed according to all applicable provisions of the Duvall Municipal Code and the Public Works Development Design Standards, the standard and specifications of the water purveyor, and the applicable rules and regulations of the State.
- G. Sewage Disposal. All lots shall be served by the sanitary sewer system of the City of Duvall. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to the City. Such sewer systems shall be designed and constructed according to all applicable provisions of the

Public Works Development Design Standards and the standards and specifications on file in the office of the Director of Public Works.

- H. Storm Drainage.
 - 1. All lots shall be provided with adequate storm drainage connected to the storm drainage system of the City or other system approved by the Public Works Director.
 - 2. Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the right-of-way.
 - 3. When appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities.
 - 4. Storm drainage shall be provided in accordance Development Design Standards as amended and standards and specifications as approved by the Public Works Director.
- I. Watercourses. When required by the City, the developer of a subdivision shall enhance a stream which traverses or abuts the subdivision in accordance with the specifications and standards approved by the City.
- J. Underground utilities. All permanent utility service to lots shall be provided from underground facilities as set forth in the Public Works Development Design Standards regulating underground wiring. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Washington.
- K. Water and Sewer Standards.
 - 1. Design Standards. All City water and sewer facilities shall be designed in compliance with the Public Works Development Design Standards.
 - 2. Construction Standards. All City water and sewer facilities shall be constructed in compliance with the Public Works Development Design Standards.
- L. Street Standards. The location, design and construction of all streets shall comply with the following requirements:
 - 1. Subdivisions shall provide direct access to at least one existing improved and publicly dedicated street. The internal vehicular network of the subdivision can include alleys and private tracts consistent with the Duvall Development Design Standards.
 - 2. When a subdivision is abutting an existing street(s) with a right-of-way of lesser width than specified by City ordinances or abuts a roadway(s) that is not built to City street standards, or abuts a roadway(s) that is in substandard condition, the applicant may be required as a condition of approval, to deed additional right-of-way width, and/or to improve the existing and additional right-of-way to the design specifications of the Public Works Director. The City may require dedication of right-of-way in excess of standards in the following cases:
 - a. Where additional width is necessary to maintain continuity with the adjoining rights-of way;
 - b. Where additional width is necessary to maintain alignment with adjoining streets and sidewalks improvements; and
 - c. Where additional width is necessary to insure that all streets intersect at right angles.
 - 3. Dead-end streets shall be used on local streets only and shall terminate in a cul-de-sac. Streets which dead-end, and which would normally be continued if the adjacent property were developed, shall be shown as temporary turnarounds. The

land beyond the normal right-of-way for such streets shall revert back to the abutting property owners when the street is continued.

4. The street within and adjacent to a site plan or subdivision shall be classified and designed to comply with the Duvall Comprehensive Plan and the Duvall Development Design Standards.
 5. Proposed streets should extend to the boundary lines of the proposed site plan or subdivision in order to provide for the future development of adjacent tracts unless prevented by natural or man-made conditions or unless such extension is determined to be unnecessary by the Public Works Director.
 6. The street pattern for subdivisions should be designed to expedite traffic movement, reduce conflicts between various types of land uses including pedestrians, and coordinate the location of proposed buildings with rail, loading and parking facilities.
 7. Streets shall be designed in accordance with the Public Works Development Design Standards and DMC 14.34, Design Guidelines.
- M. Street right-of-way and pavement widths.
1. The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in the Public Works Development Design Standards.
 2. When a subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in the Public Works Development Design Standards, may be required.
 3. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required.
- N. Street Names.
1. Public street names for streets located on the City grid as determined by the Building Official shall conform to the City's street numbering system.
 2. Public and private street names for streets not located on the City grid shall be determined by the Building Department. Such names shall be taken from a list of historical names prepared by the Duvall Historical Society and updated from time to time.
 3. Signs shall be installed as designated by the Public Works Director before final subdivision approval.
 4. Street name determination and addressing shall also be consistent with DMC 8.06.
- O. Street lights.
1. All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to Public Works Development Design Standards for underground wiring and the specifications and standard set forth in DMC 14.46, Exterior Lighting Standards.
 2. The applicant shall submit for approval by the City the design of the light standards.
 3. The subdivider shall install such facilities and make the necessary arrangements with the serving electric utility.
- P. Survey required. The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the State of Washington. Subdivision control and staking traverses shall close within an error of 1 foot in 5,000 feet. Primary survey control points shall be referenced to section corners and monuments.

- Q. Monuments.
1. Permanent survey control monuments shall be provided for all final subdivisions and short subdivisions at:
 - a. All controlling corners on the boundaries of the subdivision or short subdivision;
 - b. The intersection of centerlines of roads within the subdivision or short subdivision; and
 - c. The beginning and ends of curves on centerlines or points of intersections on tangents.
 2. Permanent survey control monuments shall be set in 2-inch pipe, 24 inches long, filled with concrete or shall be constructed of an approved equivalent. Permanent survey control monuments within a street shall be set after the street is paved. Every lot corner shall be marked by a ¾ inch galvanized iron pipe or approved equivalent, driven into the ground. If any land in a subdivision or short subdivision is contiguous to a meandered body of water, the meander line shall be re-established and shown on the final subdivision or short subdivision.
- R. Public accessways.
1. When necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks and to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops or other community services.
 2. The accessway shall be of such design, width and location as reasonably may be required to facilitate public use. Where possible, said dedications may also accommodate utility easements and facilities.
- S. Clearing and Grading. All clearing and grading shall be conducted in compliance with the provisions set forth in DMC 10.12, Clearing and Grading and DMC 14.34, Design Guidelines.
- T. Other Standards. The proposal conforms to all other standards set forth in this Title, other applicable provisions of the Duvall Municipal Code, and the Public Works Development Design Standards.
- U. Fire Department. The proposal conforms to all standards of the Duvall-King County Fire District 45.

14.66.060 Preliminary subdivision and short subdivision.

- A. Decision Criteria. As a basis for approval, approval with conditions or denial of a preliminary subdivision or short subdivision, the decision maker shall determine if appropriate provisions have been made for implementing the purpose, criteria, and standards set forth in this chapter, and all other applicable code provisions.
- B. Effect of Preliminary Subdivision Approval. Approval of the preliminary subdivision or short subdivision shall constitute authorization for the applicant to prepare and implement construction drawings, and, upon approval of those drawings, develop the subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the Public Works Director subject to any conditions imposed by the decision maker.
- C. Time Limits – Approval within 90 Days. A preliminary subdivision shall be approved, approved with conditions, denied or returned to the applicant for modification or correction within 90 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing. Provided, should an environmental impact statement (EIS) be required per RCW 43.21C.030, the 90 day period shall not include the time spent in preparing and circulating the EIS by the City. A preliminary subdivision

application shall not be deemed “filed” until all of the application requirements of this section have been met.

- D. Limitation on Preliminary Approval. Final approval must be acquired within 5 years of preliminary approval, after which time the preliminary subdivision approval is void. The decision maker may grant an extension for 1 year if the applicant has attempted in good faith to submit the final subdivision within the 5 year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least 30 days before expiration of the 5 year period.

14.66.070 Construction drawing review.

- A. Submit construction drawings.
1. Construction drawings shall not be accepted by the City until such time as the application has received preliminary subdivision approval, except that:
 - a. The Public Works Director has the discretion to allow submittal prior to preliminary subdivision approval if the applicant submits a letter or signs a document prepared by the City stating that the review is at the applicant's own risk and that any and all additional costs associated with changes to the project resulting from staff review and/or preliminary subdivision approval shall be paid by the applicant.
 - b. Under no circumstances will construction drawings be approved prior to preliminary or short subdivision approval.
 2. Public Works Director City Council Construction drawings shall be prepared and submitted in accordance with the requirements of the conditions of approval and consistent with the Duvall Municipal Code and the Public Works Development Design Standards;
 3. The applicant shall deposit a fee to cover all costs for the review of the drawings and such other costs associated with completion of the final subdivision in accordance with City resolution. The applicant shall be responsible for the actual costs to the City for processing the application, including payment for work at prevailing wage rates for construction and field checking, office checking, document preparation and review, and such other costs incurred by the City in reviewing the application.
- B. Public Works Director review/approval of construction drawings.
1. Upon receipt of the construction drawings and verification that the required application fees have been deposited, the Public Works Director shall review the drawings to determine that the plans are in accordance with the Public Works Development Design standards and conditions of approval. The construction drawings shall contain the requirements set forth in this section and such additional requirements or information as the Public Works Director shall deem necessary to adequately review the proposed subdivision and subdivision improvements.
 2. Construction drawings shall also be routed for approval by the Planning and Fire departments, and other departments as appropriate.
 3. Construction drawings as required under this chapter shall be prepared for the City by or under the supervision of a registered civil engineer for the state of Washington, using a horizontal scale of not less than 1 inch equals 50 feet and a vertical scale of not less than 1 inch equals 10 feet, based upon NGVD. Each drawing shall include the following information: name of the subdivision; scale; date; north arrow; drawing sheet number; name, address, signature and seal of the engineer; and a certification block stating that the plans have been reviewed and approved by the Public Works Director and Public Works Superintendent on a

given date. The following information shall be included on the engineering drawings to be submitted:

- a. A plan of the layout of the streets showing any proposed roadways, curbs and gutters, sidewalks, catch basins and drainage, including underground retention/detention facilities and computations.
 - b. A profile of each street showing the existing and proposed elevation along the centerline including 100 foot minimum extensions beyond the limits of the subdivision.
 - c. A typical cross-section of each street showing widths of roadways, type and thickness of surface and base and surface materials, curb locations, width and material of sidewalks and underground utilities.
 - d. A plan of the proposed water system, and a plan and profile of the proposed sanitary sewer and storm drainage systems showing existing and proposed pipe sizes and types; grades, manholes, valves, fire hydrants, individual and utility stubs to each lot, and method of storm drainage collection and disposal for each lot and the subdivision as a whole.
 - e. A plan of the proposed landscaping, tree protection, and mitigation in accordance with conditions of approval.
4. If the Public Works Director finds that the proposed improvements are not in accordance with the preliminary subdivision approval, the approved construction drawings, and/or development requirements and standards of this code, the Public Works Director shall return the drawings to the applicant along with a letter or plan detailing the corrections that need to be made.
 5. If the drawings meet City standards, the Public Works Director and Public Works Superintendent shall sign the drawings as approved. Upon approval of the construction drawings, the Public Works Director shall notify the applicant to arrange for a pre-construction meeting and to make application for such permits as are necessary to proceed with the installation of any or all of the required improvements.
- C. The Public Works Director, Director, and other appropriate parties will review the final approved preliminary subdivision, construction drawings, construction methods, and any other particulars with the applicant prior to the applicant's being given necessary construction permits or proceeding with site improvements. The parties will review and resolve any issues of concern prior to the commencement of construction.

14.66.080 Final subdivision process for preliminary subdivision and short subdivision.

- A. Submit method of installing improvements.
1. The applicant shall notify the Public Works Director, in writing, of which of the following methods the applicant proposes to ensure that all required improvements are constructed, or will be constructed, prior to the approval of the final subdivision:
 - a. By actual installation of all the improvements in accordance with the provisions of this code, the preliminary subdivision conditions, and the approved construction drawings. Improvements shall be subject to inspection and approval by the Public Works Director prior to the recording of the final subdivision. The applicant shall indicate the method to be used to install required improvements;
 - b. The deposit of a performance bond with the City in an amount not less than 150 percent of the Public Works Director's cost estimate for the project for the remaining items. The project shall be substantially complete, meaning a minimum of 90 percent of the improvements are complete and items deemed

crucial by the Public Works Director are also complete. Such bond shall be conditioned on the completion of the project within a period agreed upon with the City Council not to exceed 2 years from the date of final subdivision approval by the City Council as noted in the City Council minutes;

- c. The creation of a set-aside fund for the benefit of the City in a form approved by the City Attorney in an amount equal to 150 percent of the Public Works Director's cost estimate for the projects remaining items in accordance with DMC 14.66.080.A.1.b.
- B. City Council selects method of installing improvements.
The Public Works Director shall recommend, and City Council shall decide and approve, the method whereby the applicant is to provide and guarantee that all required improvements are constructed, or will be constructed, prior to the approval of the final subdivision. The City Attorney shall review and approve the form by which any performance bond and/or set-aside fund is to be established by the applicant for the remaining items not completed.
- C. Review construction compliance.
 1. If the Public Works Director finds that all the required improvements have not yet been installed within the required period (not greater than 2 years) from the date of approval of the final subdivision, the Public Works Director shall notify the City Council in writing of the improvements not installed and provide a cost estimate for completion. The City Council shall then determine the action that shall be taken with respect to the applicant and/or surety to assure completion of the subdivision.
 2. If the Public Works Director finds that all required improvements have been completed in accordance with the approved preliminary subdivision, the approved construction drawings and the standards and requirements of this code, the Public Works Director shall notify the applicant to prepare as-built drawings and submit such drawings to the Public Works Director.
- D. Submit as built drawings.
The applicant shall prepare as-built drawings and submit such drawings to the Public Works Director.
- E. Public Works Director review/approval of as-built drawings.
Upon receipt of the as-built drawings, the Public Works Director shall review such drawings for completeness.
 1. If the Public Works Director finds that the as-built drawings are not in accordance with the preliminary subdivision, the approved construction drawings, and/or development requirements and standards of this code and the Public Works Development Design Standards, the Public Works Director shall return the drawings to the applicant along with a letter identifying the deficiencies.
 2. If the Public Works Director finds that the drawings meet City requirements, the Public Works Director and public works superintendent shall sign a reproducible mylar copy furnished by the applicant. The Public Works Director shall notify the applicant to submit a maintenance bond and final subdivision application.
- F. Deposit a maintenance bond.
The applicant shall deposit with the City a maintenance bond or other acceptable surety that shall:
 1. Warrant the successful operation of all required subdivision improvements and warrants against defects in labor and material, and against any damage or defects caused by construction activity on the site, for a period of 2 years from final subdivision approval.
 2. The applicant shall be responsible for site maintenance during home construction. After home construction is complete the applicant is responsible for clean up of the

site prior to final acceptance of all improvements and bond release. Clean up includes but is not limited to: storm drain lines, CB vactoring, detention facility cleaning, and street sweeping.

3. Provided further, that with regard to improvements accepted after final subdivision approval, the period shall be extended, as required, to include a period not less than 1 year from the date of acceptance by the City of the improvement;
4. The bond or other approved surety shall be submitted with the final subdivision application and shall be for 15 percent of the estimated value of all the required subdivision improvements as determined by the Public Works Director;
5. The maintenance bond or other approved surety shall be in addition to any warranty provided to guarantee the installation of required improvements;
6. The City Attorney shall approve the form, sufficiency and manner of execution of the maintenance bond or surety;
7. Upon the termination of the warranty period, and upon restoration of the improvements to successful operation and the repair of any defects or damage in the improvements, the City Council, upon recommendation by the Public Works Director, shall authorize the release of the maintenance bond by entry into the Council minutes of such action;
8. The Public Works Director may withhold release of the bond or surety up to 1 year from the date of any restoration or repairs to insure that the restoration or repairs were adequate.

G. Submit final subdivision application.

The applicant will file a final subdivision application that will include the information listed in the Public Works Development Design Standards, and the following additional items:

1. A current certificate of title from a title company containing a legal description of the property to be subdivided and confirmation that the title of such property belongs to the stated owners. The certificate shall further demonstrate that any dedications or deeds to the City associated with the subdivision, including easements, will be free and clear of all encumbrances;
2. A certificate giving a full and correct description of the lands divided as they appear on the subdivision, including a statement that a subdivision has been made with the free consent and in accordance with the desire of the owner or owners;
3. If the subdivision is subject to a dedication, a certificate or a separate written instrument containing the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the subdivision, and a waiver of all claims for damage against any government authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of such road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as a part of the final subdivision;
4. A performance bond, maintenance bond, or other acceptable surety in the forms previously approved by City Council;
5. A fee deposit to cover all costs of processing the final application.

H. Review final subdivision application submission.

The Public Works Director and any other appropriate parties will:

1. Review the final subdivision application to determine whether the application filing is complete and/or if the required application bond and fees have been posted;
2. If not complete and/or if the application fees have not been posted, the Public Works Director will return the application to the applicant along with a checklist of

- the materials or information that has to be provided to properly process the request;
3. No application shall be deemed filed nor given a file name or number until all required information, attachments and fees are submitted;
 4. The filing date shall be the date on which the City receives the last item need to have a complete application, including all required information, attachments and fees;
 5. If the information is complete, the Public Works Director will distribute copies to the planning department and other departments for comment as required and as the DRC and/or Public Works Director deems appropriate.
- I. Public Works Director review/approval of final subdivision application.
The Public Works Director shall check the subdivision for accuracy and conformance with the approved preliminary subdivision and the requirement of City ordinances and state law.
1. The final subdivision shall consist of a subdivision map and survey information attachments. The approved preliminary subdivision may be used as the final subdivision provided all specification requirements of this section are included. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the state of Washington and prepared in black ink on mylar at a scale to make the overall dimensions of the map 18 inches wide and 22 inches long. The subdivision shall include the following information:
 - a. Information required by the preliminary subdivision approval, including the building envelopes, significant trees to be retained, and sensitive areas and buffers;
 - b. The name of adjacent subdivisions and unplatted property shall be identified using dotted lines;
 - c. The name of the subdivision, name(s) of the subdivider(s) and the name of the registered surveyor that prepared the subdivision shall be on all maps and surveyor notes;
 - d. All lots shall be dimensioned and numbered consecutively starting with number (1) and show the lot area and the building setback lines in accordance with this Title;
 - e. The length and bearing of all straight lines, central angles, radii, and curve lengths of all curves;
 - f. All dimensions along lots lines with accurate dimensions in feet and hundredths of feet with true bearings and angles to streets and alley lines;
 - g. Suitable primary control points, approved by the Public Works Director, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the subdivision shall be referred;
 - h. Accurate distances, bearings, locations and dimensions of the subdivision boundary lines, street lines, monuments and corporate limit, township or section lines which are referenced to a survey datum as prescribed by the Public Works Director;
 - i. Show on the face of the subdivision map, all land which is offered for dedication to the City related to streets, alley ways, easements, sensitive areas and associated buffers, parks, open space and other public use and/or dedication to other person and persons or entities for other purposes as shown on the approved preliminary subdivision. Any dedication, donation or grant shown on the face of the subdivision shall be considered for all intent and purposes as a quit claim deed;

- j. The final subdivision shall contain a legal description of the subdivision property;
 - k. The final subdivision shall show the easement provisions, restrictions section, dedication and certification statements with appropriate signatures and seals, as set forth in greater detail in a checklist prepared by the Public Works Director, before the subdivision is approved and recorded.
- 2. If the Public Works Director finds that the subdivision is not in accordance with the preliminary subdivision and the conditions of approval, the approved constructions drawings, and/or development requirements and standards of this code, the Public Works Director shall return the subdivision application to the applicant along with a notice of the issues or decisions that were not complied with.
- 3. If the Public Works Director finds that the subdivision meets City requirements, the Public Works Director shall sign the subdivision drawing and transmit it to the City Council for review.
- J. City Council review/approval of final subdivision. When the City Council finds that a subdivision proposed for final subdivision approval conforms to all terms of the preliminary subdivision approval and meets the requirements of this Title and other applicable state laws and municipal ordinances, the Mayor and the Finance Director shall execute written approval on the face of the subdivision. City Council review shall be as set out in DMC 14.08.010.E.
- K. Record final subdivision.
 - 1. The final subdivision shall consist of a subdivision map and survey information attachments. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the state.
 - 2. The final subdivision shall show the certification statements with appropriate signatures and seals as set out in the Public Works Development Design Standards, before the subdivision is approved and recorded.
 - 3. If the subdivision includes common property and/or easements or tracts that are not dedicated to the City, a Homeowner's Association is required. The Planning Department shall review the conditions, covenants, and restrictions (CC&R's), and then such CC&R's and other enabling document(s) shall be filed with King County, Records, Elections, and Licensing Services Division prior to recording of the final subdivision.
 - 4. The original of the final subdivision shall be filed for record with King County, Records, Elections, and Licensing Services Division; one reproducible copy shall be furnished to the Public Works Director and one paper copy shall be filed with the county assessor.
 - 5. The applicant shall be responsible for providing the final subdivision to King County for recording.

14.66.090 Subdivision vacation.

- A. Any person interested in the vacation of any subdivision or part of a subdivision, or area dedicated for public use shall file an application for vacation with the Planning Department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

- B. Applications for subdivision vacation shall be processed as a Type III permit. The decision maker shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the approval authority adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by RCW 58.17, Plats – Subdivision – Dedications.

14.66.100 Subdivision alterations.

- A. Any person interested in the alteration of any subdivision, except as provided in DMC 14.66.110, Final Subdivision and Short Subdivision Corrections, shall submit an application for the alteration to the Planning Department. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.
- B. Alterations shall be reviewed in accordance with the process set out in DMC 14.08 for Type IV permit applications.
- C. Alterations shall be reviewed for consistency with this chapter and the regulations of this Title.
- D. If an alteration is approved, the applicant shall submit to the City a revised drawing of the approved alteration of the subdivision, which after signature of the decision-maker shall be filed by the applicant with the King County Department of Records and Elections to become the lawful subdivision of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

14.66.110 Final Subdivision and short subdivision corrections.

- A. Public Dedication – Not Involved. Amendments, alterations, modifications, and changes to recorded final subdivisions and short subdivisions not involving a public dedication shall be accomplished only by one of the following methods:
 - 1. File a new subdivision for the lots in question by following the full subdivision procedures of this chapter; or;
 - 2. File a short subdivision for lots in question by following the procedures of this chapter; provided, that short subdivisions occurring in final subdivisions approved under the provisions of the Duvall Municipal Code do not exceed the density allowed under the zoning existing at the time the original subdivision was approved, or are not inconsistent with other provisions of the subdivisions; or
 - 3. File a minor modification or boundary line adjustment. This method may be used to correct or adjust short subdivisions or final subdivisions, provided the proposed changes are minor and do not create buildable lots. This method may be used to consolidate two or more existing lots. A final subdivision or short subdivision mylar shall be filed with the normal and required signature attachments and a cross-reference to the original final or short subdivision and fees as set out by resolution. Normal and required signatures shall mean only the signatures of owners of lots affected by a minor modification or boundary line adjustment.
- B. Public Dedication – Involved. Amendments, alterations, modifications and changes to recorded final subdivisions and short subdivisions involving a public dedication shall be

accomplished by following the procedures of DMC 14.66.090, Subdivision vacation, or DMC 14.66.100, Subdivision alterations.

14.66.120 Boundary line adjustments.

- A. A boundary line adjustment is a mechanism by which the City may approve the alteration of boundary lines between subdivided or unsubdivided lots or both, where such an adjustment does not create any additional lot, tract, parcel, site, or division nor create lots which are nonconforming or more nonconforming than exists.
- B. The Director may approve an application for a boundary line adjustment provided the following criteria are met:
 - 1. The proposed adjustment shall meet the exemption requirements provided in RCW 58.17.040(6);
 - 2. The boundary line adjustment shall not result in the creation of any additional tract, lot, parcel, site or division;
 - 3. The property being transferred within the boundary line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
 - 4. The lots, tracts, or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as outlined in this Title.
 - 5. All lots modified by the boundary line adjustment procedures shall have legal access meeting the standards of the City of Duvall;
 - 6. The boundary line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;
 - 7. All boundary line adjustments shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be staked.